

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
ST. JOSEPH DIVISION**

**CHRISTINA FRANCIS and  
COLE FRANCIS, individually  
and on behalf of all those  
similarly situated,**

**Plaintiffs,**

**v.**

**WAUSAU HOMES INCORPORATED,  
and PHILLIPS BUILDERS, LLC,**

**Defendants.**

**Case No. 5:23-cv-06019**

**JOINT MOTION TO EXTEND DEADLINES**

Pursuant to Federal Rule of Civil Procedure 16(b)(4) and Local Rule 16.3, Plaintiffs Christina Francis and Cole Francis (“Plaintiffs”) and Defendant Wausau Homes Incorporated (“Wausau Homes”) (collectively “the Parties”) respectfully move the Court for an order extending Wausau Homes’ expert designation deadline, the discovery deadline, and the deadline for filing dispositive and *Daubert* motions. In support of this motion, the Parties state as follows:

1. This case was filed on February 7, 2023.
2. On June 13, 2024, Plaintiffs filed a First Amended Complaint, joining a new defendant, Scott Phillips (“Phillips”).
3. On July 3, 2024, a return of service was filed, showing that Phillips was served with the First Amended Complaint on June 30, 2024.
4. Phillips’ deadline to answer or otherwise respond to the First Amended Complaint is July 22, 2024.
5. The Scheduling Order (Doc. 39) implemented a deadline of May 31, 2024,

for Wausau Homes to designate its expert witnesses. On June 3, 2024, the Court extended Wausau Homes' expert designation deadline to July 30, 2024.

6. Pursuant to the Scheduling Order, the deadline by which discovery must be completed is August 16, 2024.

7. Pursuant to the Scheduling Order, the deadline for filing dispositive and *Daubert* motions is November 1, 2024.

8. The parties have been actively engaged in discovery but believe it would be imprudent to move forward with depositions while the deadline for Phillips to appear remains pending.

9. Moreover, Wausau Homes contends it is unable to designate its expert witnesses until it has completed depositions of the Plaintiffs.

10. For this reason, the Parties request a 45-day extension of Wausau Homes' expert designation deadline until and including September 13, 2024; a 60-day extension of the discovery deadline until and including October 16, 2024; and a 30-day extension of the deadline to file dispositive and *Daubert* motions until and including December 2, 2024.

11. The Parties recognize and agree that the entire Scheduling Order will need to be revisited if Phillips appears in the case.

12. This is Wausau Homes' second request for an extension of its expert designation deadline and the Parties' first request for an extension of the discovery deadline and the deadline for filing dispositive and *Daubert* motions.

13. The requested extensions are made for good cause and will not impact the pretrial conference or trial dates.

WHEREFORE, the Parties respectfully request that the Court enter an Order extending Wausau Homes' expert designation deadline until and including September 13, 2024, the discovery deadline until and including October 16, 2024, and the deadline to file dispositive and *Daubert* motions until and including December 2, 2024.

Dated: July 16, 2024

Respectfully submitted,

**BRYAN CAVE LEIGHTON PAISNER  
LLP**

By: /s/ Grace Colato Martinez

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 16, 2024, a copy of the foregoing was filed electronically with the Clerk of the Court via the CM/ECF system, which will send notice to all counsel of record.

/s/ Grace Colato Martinez  
Attorney for Defendant Wausau Homes  
Incorporated